

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT N. JOHNSON,

Plaintiff,
vs.

No. CIV S-11-106 KJM GGH

TOWN AND COUNTRY GARDEN
APARTMENTS,

Defendant.

ORDER TO SHOW CAUSE

This case was on calendar on June 22, 2011 at 10:00 a.m. for a pretrial scheduling conference. The case was the first on calendar; neither counsel appeared. The evening before the hearing Mr. Johnson's assistant told the courtroom deputy that the case had settled; the courtroom deputy told Mr. Johnson's assistant that the case would remain on calendar until a notice was filed confirming settlement. The courtroom deputy spoke to Mr. Johnson on the morning of June 22 and reiterated that the case remained on calendar because neither counsel had filed a notice of settlement. The notice was filed at 10:13 a.m.

In addition, in the following cases also assigned to this judge, Mr. Johnson asked for and received three month continuances because of surgery scheduled for June 15: *Johnson v. Lack Family Investments*, Civ. No. S-11-0003 (ECF No. 15 at 1 n.1); *Johnson v. Lack Family Investments*, Civ. No. S-11-0897 (ECF No. 11 at 1 n.1); *Johnson v. Ducray*, Civ. No. S-10-3095

1 (ECF No. 17 at 1 n.1); *Johnson v. Felipe Lopez Ralda, et al.*, Civ. No. S-10-3029 (ECF No. 18 at
2 1 n.1). In granting those continuances, the court relied on “Mr. Johnson’s representation that a
3 lengthy continuance is necessary because he will be unable to appear during his recuperation.”
4 Despite this representation in the other cases, Mr. Johnson continues to act in this case at least,
5 despite his surgery, and has not sought a continuance of this case.

6 IT IS THEREFORE ORDERED that:

7 1. Within fourteen days of the date of this order, both counsel in this case shall
8 show cause in writing why they should not be sanctioned \$250.00 each for not timely filing their
9 notice of settlement and, because the notice of settlement had not been filed, for not appearing at
10 the pretrial scheduling conference;

11 2. Within fourteen days of the date of this order, Mr. Johnson shall show cause in
12 writing why he should not be sanctioned for his representation that his recuperation from surgery
13 required the lengthy continuances he secured in other cases, and file a copy of his response in
14 this case and in the others referenced above in the body of this order; and

15 3. The Clerk of the Court is directed to file a copy of this order in the cases
16 referenced above in the body of this order.

17 DATED: July 14, 2011.

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20 UNITED STATES DISTRICT JUDGE
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